

**SCHOOL READINESS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill amends and enacts preschool provisions.

**Highlighted Provisions:**

This bill:

- ▶ renumbers and amends provisions of the High Quality School Readiness Program and the School Readiness Initiative and enacts, under the School Readiness Board (Readiness Board) within the Department of Workforce Services (Department), Title 35A, Chapter 15, Preschool Programs, including enacting and amending:
  - definitions;
  - provisions related to the membership and duties of the Readiness Board;
  - provisions governing grants to become or expand an existing high quality school readiness program;
  - provisions requiring the State Board of Education (State Board) to conduct preschool evaluations and provide reports; and
  - provisions governing results-based contracts for a school readiness program;
- ▶ amends school readiness assessment provisions;
- ▶ amends UPSTART definitions;
- ▶ requires a contractor to cooperate with certain private preschool provider personnel;
- ▶ directs the State Board, when entering a contract with an UPSTART provider, to require the provider to prioritize enrollment of preschool children living within the



- 28 boundaries of a qualified school or enrolled in a qualified preschool;
- 29       ▶ allows certain qualified participants to obtain a computer and other services for the
- 30 duration of the qualified participant's participation in UPSTART;
- 31       ▶ allows the State Board to use certain appropriations for administration of the
- 32 UPSTART program;
- 33       ▶ requires the UPSTART program evaluator to use certain assessments;
- 34       ▶ requires the State Board to report on the number of private preschool providers and
- 35 public preschools participating in the program;
- 36       ▶ repeals:
- 37           • the Intergenerational Poverty School Readiness Scholarship Program and related
- 38 provisions;
- 39           • the School Readiness Restricted Account and related provisions;
- 40           • the home-based technology high quality school readiness program;
- 41           • provisions authorizing the State Board or a school district to purchase
- 42 computers, peripheral equipment, and Internet service for low income families;
- 43           • provisions requiring an UPSTART contractor to obtain certain supporting
- 44 documentation from participating individuals; and
- 45           • provisions requiring the Department to provide certain training to early
- 46 childhood teachers; and
- 47       ▶ makes technical and conforming changes.

**48 Money Appropriated in this Bill:**

- 49 This bill appropriates in fiscal year 2020:
- 50       ▶ to Department of Workforce Services -- Operations and Policy, as an ongoing
  - 51 appropriation:
  - 52           • from the General Fund, \$6,000,000;
  - 53       ▶ to State Board of Education -- General System Support, as an ongoing
  - 54 appropriation:
  - 55           • from the Education Fund, \$500,000; and
  - 56       ▶ to the State Board of Education -- Initiative Programs, as an ongoing appropriation:
  - 57           • from the Education Fund, \$5,000,000.

**58 Other Special Clauses:**

59 This bill provides coordination clauses.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **53E-4-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1

63 **53E-4-314**, as enacted by Laws of Utah 2018, Chapter 389

64 **53E-9-301**, as last amended by Laws of Utah 2018, Chapters 304, 389 and renumbered  
65 and amended by Laws of Utah 2018, Chapter 1

66 **53F-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2

67 **53F-4-402**, as last amended by Laws of Utah 2018, Chapter 163 and renumbered and  
68 amended by Laws of Utah 2018, Chapter 2

69 **53F-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2

70 **53F-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2

71 **53F-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2

72 **53F-4-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2

73 **63I-1-263**, as last amended by Laws of Utah 2018, Chapters 85, 144, 182, 261, 321,  
74 338, 340, 347, 369, 428, 430, and 469

75 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and  
76 repealed and reenacted by Laws of Utah 2018, Chapter 469

77 **63J-1-602.2**, as repealed and reenacted by Laws of Utah 2018, Chapter 469

78 ENACTS:

79 **35A-15-101**, Utah Code Annotated 1953

80 **35A-15-303**, Utah Code Annotated 1953

81 RENUMBERS AND AMENDS:

82 **35A-15-102**, (Renumbered from 53F-6-301, as last amended by Laws of Utah 2018,  
83 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

84 **35A-15-201**, (Renumbered from 35A-3-209, as renumbered and amended by Laws of  
85 Utah 2018, Chapter 389)

86 **35A-15-202**, (Renumbered from 53F-6-304, as renumbered and amended by Laws of  
87 Utah 2018, Chapter 2)

88 **35A-15-301**, (Renumbered from 53F-6-305, as last amended by Laws of Utah 2018,  
89 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

90 **35A-15-302**, (Renumbered from 53F-5-303, as renumbered and amended by Laws of  
91 Utah 2018, Chapter 2)

92 **35A-15-401**, (Renumbered from 53F-6-306, as renumbered and amended by Laws of  
93 Utah 2018, Chapter 2 and repealed and reenacted by Laws of Utah 2018, Chapter  
94 389)

95 **35A-15-402**, (Renumbered from 53F-6-309, as last amended by Laws of Utah 2018,  
96 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

97 **REPEALS:**

98 **35A-3-210**, as renumbered and amended by Laws of Utah 2018, Chapter 389

99 **35A-9-401**, as last amended by Laws of Utah 2018, Chapter 415

100 **53F-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2

101 **53F-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2

102 **53F-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2

103 **53F-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2

104 **53F-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2

105 **53F-5-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2

106 **53F-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2

107 **53F-6-303**, as last amended by Laws of Utah 2018, Chapter 389

108 **53F-6-310**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and  
109 amended by Laws of Utah 2018, Chapter 2

110 **Utah Code Sections Affected by Coordination Clause:**

111 **35A-15-102**, Utah Code Annotated 1953

112 **35A-15-202**, Utah Code Annotated 1953

113 **35A-15-301**, Utah Code Annotated 1953

114 **35A-15-302**, Utah Code Annotated 1953

115 **35A-15-303**, Utah Code Annotated 1953

116 **35A-15-401**, Utah Code Annotated 1953

117 **35A-15-402**, Utah Code Annotated 1953

118 **53E-1-201**, as enacted by Laws of Utah 2018, Chapter 1

119 **53F-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 2

120 **53F-6-301**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and

121 amended by Laws of Utah 2018, Chapter 2

122 [53F-6-304](#), as renumbered and amended by Laws of Utah 2018, Chapter 2

123 [53F-6-305](#), as last amended by Laws of Utah 2018, Chapter 389 and renumbered and  
124 amended by Laws of Utah 2018, Chapter 2

125 [53F-6-306](#), as renumbered and amended by Laws of Utah 2018, Chapter 2 and repealed  
126 and reenacted by Laws of Utah 2018, Chapter 389

127 [53F-6-309](#), as last amended by Laws of Utah 2018, Chapter 389 and renumbered and  
128 amended by Laws of Utah 2018, Chapter 2

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130 *Be it enacted by the Legislature of the state of Utah:*

131 Section 1. Section **35A-15-101** is enacted to read:

132 **CHAPTER 15. PRESCHOOL PROGRAMS**

133 **Part 1. General Provisions**

134 **35A-15-101. Title.**

135 This chapter is known as "Preschool Programs."

136 Section 2. Section **35A-15-102**, which is renumbered from Section 53F-6-301 is  
137 renumbered and amended to read:

138 ~~[53F-6-301]~~. **35A-15-102. Definitions.**

139 As used in this [part] chapter:

140 (1) "Board" means the School Readiness Board, created in Section [~~35A-3-209~~]

141 [35A-15-201](#).

142 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price  
143 lunch.

144 (3) "Eligible home-based educational technology provider" means a provider that  
145 [~~intends to offer~~] offers a home-based educational technology program to develop the school  
146 readiness skills of an eligible student.

147 (4) (a) "Eligible LEA" means an LEA that has a data system capacity to collect  
148 longitudinal academic outcome data, including special education use by student, by identifying  
149 each student with a statewide unique student identifier.

150 (b) "Eligible LEA" includes a program exempt from licensure under Subsection

151 [26-39-403\(2\)\(c\)](#).

152 (5) (a) "Eligible private provider" means a child care program that:  
153 (i) ~~[(A) except as provided in Subsection (5)(b);]~~ is licensed under Title 26, Chapter  
154 39, Utah Child Care Licensing Act; or  
155 ~~[(B) (ii) except as provided in Subsection (5)(b)(ii),~~ is exempt from licensure under  
156 Section [26-39-403](#)~~[-and]~~.  
157 ~~[(ii) meets other criteria as established by the board, consistent with Utah Constitution,~~  
158 ~~Article X, Section 1.]~~  
159 (b) "Eligible private provider" does not include:  
160 (i) residential child care, as defined in Section [26-39-102](#)~~[-];~~ or  
161 (ii) a program exempt from licensure under Subsection [26-39-403\(2\)\(c\)](#).  
162 (6) "Eligible student" means a student:  
163 (a) (i) who is age three, four, or five; and  
164 (ii) is not eligible for enrollment under Subsection [53G-4-402\(6\)](#); and  
165 ~~[(a) (b) (i) (A) who is economically disadvantaged; and~~  
166 ~~[(b) (B) whose parent or legal guardian reports that the student has experienced at~~  
167 ~~least one risk factor[-];~~ or  
168 (ii) is an English learner.  
169 (7) ~~["Evaluator"]~~ "Evaluation" means an ~~[independent evaluator selected in accordance~~  
170 ~~with Section [53F-3-309](#)]~~ evaluation conducted in accordance with Section [35A-15-303](#).  
171 (8) "High quality school readiness program" means a preschool program that:  
172 (a) is provided by an eligible LEA, eligible private provider, or eligible home-based  
173 educational technology provider; and  
174 (b) meets the elements of a high quality school readiness program described in Section  
175 ~~[[53F-6-304](#)]~~ [35A-15-202](#).  
176 (9) "Investor" means a person that enters into a results-based contract to provide  
177 funding to a high quality school readiness program on the condition that the person will receive  
178 payment in accordance with Section ~~[[53F-6-309](#)]~~ [35A-15-402](#) if the high quality school  
179 readiness program meets the performance outcome measures included in the results-based  
180 contract.  
181 (10) "Kindergarten assessment" means the kindergarten entry assessment described in  
182 Section [53F-4-205](#).

183 (11) "Kindergarten transition plan" means a plan that supports the smooth transition of  
 184 a preschool student to kindergarten and includes communication and alignment among the  
 185 preschool, program, parents, and K-12 personnel.

186 ~~[(10)]~~ (12) "Local Education Agency" or "LEA" means a school district or charter  
 187 school.

188 ~~[(11) "Pay for success program" means a program funded through a model in which the~~  
 189 ~~program is initially funded through private funding and the entity providing the private funding~~  
 190 ~~receives repayment through public funding if the program achieves certain outcomes.]~~

191 ~~[(12)]~~ (13) "Performance outcome measure" means ~~[a cost avoidance in special~~  
 192 ~~education use for a student at-risk for later special education placement in kindergarten through~~  
 193 ~~grade 12 who receives preschool education funded pursuant to a results-based contract.]~~

194 (a) indicators, as determined by the board, on the school readiness assessment and the  
 195 kindergarten assessment; or

196 (b) for a results-based contract, the indicators included in the contract.

197 ~~[(13) "Program intermediary" means an entity selected by the board under Section~~  
 198 ~~35A-3-209 to coordinate with the Department of Workforce Services to provide program~~  
 199 ~~support to the board.]~~

200 (14) "Results-based contract" means a contract that:

201 (a) is entered into in accordance with Section ~~[53F-3-309]~~ [35A-15-402](#);

202 (b) includes a performance outcome measure; and

203 (c) is between~~[(i)]~~ the board, a provider of a high quality school readiness program,  
 204 and an investor~~[-or]~~.

205 ~~[(ii) the board and a provider of a high quality school readiness program.]~~

206 (15) "Risk factor" means:

207 (a) having a mother who was 18 years old or younger when the child was born;

208 (b) a member of a child's household is incarcerated;

209 (c) living in a neighborhood with high violence or crime;

210 (d) having one or both parents with a low reading ability;

211 (e) moving at least once in the past year;

212 (f) having ever been in foster care;

213 (g) living with multiple families in the same household;

- 214 (h) having exposure in a child's home to:
- 215 (i) physical abuse or domestic violence;
- 216 (ii) substance abuse;
- 217 (iii) the death or chronic illness of a parent or sibling; or
- 218 (iv) mental illness;
- 219 (i) the primary language spoken in a child's home is a language other than English; or
- 220 (j) having at least one parent who has not completed high school.

221 ~~[(16) "Student at-risk for later special education placement" means an eligible student~~  
 222 ~~who, at preschool entry, scores at least two standard deviations below the mean on the~~  
 223 ~~assessment selected by the board under Section 53F-6-309.]~~

224 (16) "School readiness assessment" means the same as that term is defined in Section  
 225 53E-4-314.

226 (17) "Tool" means the tool developed in accordance with Section 35A-15-303.

227 Section 3. Section **35A-15-201**, which is renumbered from Section 35A-3-209 is  
 228 renumbered and amended to read:

229 **Part 2. School Readiness Board**

230 ~~[35A-3-209].~~ **35A-15-201. Establishment of the School Readiness Board --**  
 231 **Membership -- Funding prioritization.**

232 ~~[(1) The terms defined in Section 53F-6-301 apply to this section.]~~

233 ~~[(2)]~~ (1) There is created the School Readiness Board within the [Department of  
 234 Workforce Services] department composed of:

235 (a) the executive director ~~[of the Department of Workforces Services]~~ or the executive  
 236 director's designee;

237 (b) one member appointed by the State Board of Education;

238 (c) one member appointed by the chair of the State Charter School Board;

239 (d) ~~[one member who has]~~ two members who have research experience in the area of  
 240 early childhood development, ~~[including special education,]~~ with:

241 (i) one member appointed by the speaker of the House of Representatives; and

242 (ii) one member who represents the Utah Data Research Center appointed by the  
 243 executive director;

244 (e) one member, appointed by the president of the Senate, who:



245 (i) has expertise in ~~[pay for success programs]~~ results-based contracts; or

246 (ii) represents a financial institution that has experience managing a portfolio that

247 meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq.;

248 (f) one member, appointed by the executive director, who has expertise in early

249 childhood education;

250 (g) one member, appointed by the state superintendent, who has expertise in early

251 childhood education; and

252 (h) one member, appointed by the governor, who represents a nonprofit corporation

253 that focuses on early childhood education.

254 ~~[(3)]~~ (2) (a) A member described in Subsection ~~[(2)]~~ (1)(b), (c), (d), ~~[or]~~ (e), (f), (g), or

255 (h) shall serve for a term of two years.

256 (b) If a vacancy occurs for a member described in Subsection ~~[(2)]~~ (1)(b), (c), (d), ~~[or]~~

257 (e), (f), (g), or (h), the ~~[person]~~ individual appointing the member shall appoint a replacement

258 to serve the remainder of the member's term.

259 ~~[(4)]~~ (3) (a) A member may not receive compensation or benefits for the member's

260 service.

261 (b) A member may serve more than one term.

262 ~~[(5)]~~ (4) The department shall provide staff support to the board.

263 ~~[(6)]~~ (5) (a) The board members shall elect a chair of the board from the board's

264 membership.

265 (b) The board shall meet upon the call of the chair or a majority of the board members.

266 (6) In allocating funding received under this chapter, the board shall:

267 (a) give first priority to repayment of an investor who is a party to a results-based

268 contract under the Laws of Utah, 2014, Chapter 304; and

269 (b) determine prioritization of funding for the remaining programs described in this

270 chapter.

271 ~~[(7) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and subject to~~

272 ~~Subsection (8), the board shall:]~~

273 ~~[(a) select a program intermediary that:]~~

274 ~~[(i) is a nonprofit entity; and]~~

275 ~~[(ii) has experience:]~~

276 ~~[(A) developing and executing contracts;]~~  
 277 ~~[(B) structuring the terms and conditions of a pay for success program;]~~  
 278 ~~[(C) coordinating the funding and management of a pay for success program; and]~~  
 279 ~~[(D) raising private investment capital necessary to fund program services related to a~~  
 280 ~~pay for success program; and]~~  
 281 ~~[(b) enter into a contract with the program intermediary;]~~  
 282 ~~[(8) The board may not enter into a contract described in Subsection (7) without the~~  
 283 ~~consent of the department regarding:]~~  
 284 ~~[(a) the program intermediary selected; and]~~  
 285 ~~[(b) the terms of the contract.]~~  
 286 ~~[(9) A contract described in Subsection (7)(b) shall:]~~  
 287 ~~[(a) require the program intermediary to:]~~  
 288 ~~[(i) seek out participants for results-based contracts;]~~  
 289 ~~[(ii) advise the board on results-based contracts; and]~~  
 290 ~~[(iii) make recommendations directly to the board on:]~~  
 291 ~~[(A) when to enter a results-based contract; and]~~  
 292 ~~[(B) the terms of a results-based contract; and]~~  
 293 ~~[(b) include a provision that the program intermediary is not eligible to receive or view~~  
 294 ~~personally identifiable student data of eligible students funded under the School Readiness~~  
 295 ~~Initiative described in this part and Title 53F, Chapter 6, Part 3, School Readiness Initiative.]~~  
 296 ~~[(10) In allocating funding, the board shall:]~~  
 297 ~~[(a) give first priority to a results-based contract described in Subsection [53F-6-309\(3\)](#)~~  
 298 ~~to fund a high quality school readiness program directly;]~~  
 299 ~~[(b) give second priority to a results-based contract that includes an investor; and]~~  
 300 ~~[(c) give third priority to a grant described in Section [53F-6-305](#).]~~  
 301 ~~[(11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part~~  
 302 ~~3, School Readiness Initiative.]~~  
 303 Section 4. Section **35A-15-202**, which is renumbered from Section 53F-6-304 is  
 304 renumbered and amended to read:  
 305 **[~~53F-6-304~~]. 35A-15-202. Elements of a high quality school readiness**  
 306 **program.**

307 (1) A high quality school readiness program run by an eligible LEA or eligible private  
308 provider shall include the following components:

309 (a) an evidence-based curriculum that is aligned with all of the developmental domains  
310 and academic content areas defined in the Utah Early Childhood Standards adopted by the  
311 State Board of Education~~[, and]~~ that incorporates:

312 (i) intentional and differentiated instruction in whole group, small group, and  
313 child-directed learning~~[, including the following academic content areas:];~~ and

314 (ii) explicit instruction in key areas of literacy and numeracy, as determined by the  
315 State Board of Education, that:

316 (A) is teacher led or through a partnership with a contractor as defined in Section  
317 53F-4-401;

318 (B) includes specific literary and numeracy skills, such as phonological awareness; and

319 (C) includes provider monitoring and ongoing professional learning and coaching;

320 ~~[(i) oral language and listening comprehension;]~~

321 ~~[(ii) phonological awareness and prereading;]~~

322 ~~[(iii) alphabet and word knowledge;]~~

323 ~~[(iv) prewriting;]~~

324 ~~[(v) book knowledge and print awareness;]~~

325 ~~[(vi) numeracy;]~~

326 ~~[(vii) creative arts;]~~

327 ~~[(viii) science and technology; and]~~

328 ~~[(ix) social studies, health, and safety;]~~

329 (b) ongoing, focused, and intensive professional development for staff of the school  
330 readiness program;

331 (c) ongoing assessment of a student's educational growth and developmental progress  
332 to inform instruction;

333 (d) ~~[a pre- and post-assessment of each student whose parent or legal guardian consents~~  
334 ~~to the assessment that, for a school readiness program receiving funding under this part, is~~  
335 ~~selected by the board in accordance with Section 53F-6-309]~~ administration of the school  
336 readiness assessment to each student;

337 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20

338 students, with one adult for every 10 students in the class;

339 (f) ongoing program evaluation and data collection to monitor program goal  
340 achievement and implementation of required program components;

341 (g) family engagement, including ongoing communication between home and school,  
342 and parent education opportunities based on each family's circumstances;

343 (h) for a preschool program run by an eligible LEA, each teacher having at least  
344 obtained:

345 (i) the minimum standard of a child development associate certification; or

346 (ii) an associate or bachelor's degree in an early childhood education related field; [~~and~~]

347 (i) for a preschool program run by an eligible private provider, by a teacher's second  
348 year, each teacher having at least obtained:

349 (i) the minimum standard of a child development associate certification; or

350 (ii) an associate or bachelor's degree in an early childhood education related field[~~;~~];

351 and

352 (j) a kindergarten transition plan.

353 (2) A high quality school readiness program run by a home-based educational  
354 technology provider shall:

355 (a) be an evidence-based and age appropriate individualized interactive instruction  
356 assessment and feedback technology program that teaches eligible students early learning skills  
357 needed to be successful upon entry into kindergarten;

358 (b) require regular parental engagement with the student in the student's use of the  
359 home-based educational technology program;

360 (c) be aligned with the Utah early childhood core standards;

361 (d) require the administration of a pre- and post-assessment of each student whose  
362 parent or legal guardian consents to the assessment that, for a home-based technology program  
363 that receives funding under this part, is designated by the board in accordance with Section  
364 [~~53F-6-309~~] [35A-15-402](#); and

365 (e) require technology providers to ensure successful implementation and utilization of  
366 the technology program.

367 Section 5. Section **35A-15-301**, which is renumbered from Section 53F-6-305 is  
368 renumbered and amended to read:

369 **Part 3. Grants for High Quality School Readiness Programs**370 **[53F-6-305]. 35A-15-301. Becoming High Quality School Readiness Grant**  
371 **Program.**

372 (1) The High Quality School Readiness Grant Program is created to provide grants to  
373 the following, in order to [~~upgrade~~] assist an existing preschool or home-based educational  
374 technology program [~~to~~] in becoming a high quality school readiness program:

- 375 (a) an eligible private provider;  
376 (b) an eligible LEA; or  
377 (c) an eligible home-based educational technology provider.

378 (2) The board, in cooperation with the department and the State Board of Education,  
379 shall ~~[(a)]~~ solicit proposals from eligible LEAs ~~;~~ and, eligible private providers, and eligible  
380 home-based educational technology providers.

381 ~~[(b) make recommendations to the board to award grants to respondents based on~~  
382 ~~criteria described in Subsection (5).]~~

383 ~~[(3) The Department of Workforce Services shall:]~~

384 ~~[(a) solicit proposals from eligible private providers and eligible home-based~~  
385 ~~educational technology providers; and]~~

386 ~~[(b) make recommendations to the board to award grants to respondents based on~~  
387 ~~criteria described in Subsection (5).]~~

388 ~~[(4)]~~ (3) Subject to legislative appropriations, and the prioritization described in  
389 Section ~~[35A-3-209]~~ 35A-15-201, the board shall award grants to respondents based on:

- 390 ~~[(a) the recommendations of the State Board of Education;]~~  
391 ~~[(b) the recommendations of the Department of Workforce Services; and]~~  
392 ~~[(c) the criteria described in Subsection (5).]~~

393 ~~[(5) (a) In awarding a grant under Subsection (4), the State Board of Education,~~  
394 ~~Department of Workforce Services, and the board shall consider:]~~

395 ~~[(i)]~~ (a) a respondent's capacity to effectively implement the components described in  
396 Section ~~[53F-6-304]~~ 35A-15-202;

397 ~~[(ii)]~~ (b) the percentage of a respondent's students who are eligible students; and

398 ~~[(iii)]~~ (c) the level of administrative support and leadership at a respondent's program  
399 to effectively implement, monitor, and evaluate the program.

400 ~~[(b) The board may not award a grant to an LEA without obtaining approval from the~~  
401 ~~State Board of Education to award the grant to the LEA.]~~

402 ~~[(6)] (4)~~ To receive a grant under this section, a respondent ~~[that is an eligible LEA]~~  
403 shall submit a proposal to the ~~[State Board of Education]~~ board detailing:

404 (a) the respondent's strategy to implement the high quality components described in  
405 Section ~~[53F-6-304]~~ 35A-15-202;

406 (b) the number of students the respondent plans to serve, categorized by age and  
407 whether the students are eligible students;

408 (c) for an eligible LEA or eligible private provider, the number of high quality school  
409 readiness program classrooms the respondent plans to operate; and

410 (d) the estimated cost per student.

411 ~~[(7) To receive a grant under this section, a respondent that is an eligible private~~  
412 ~~provider or an eligible home-based educational technology provider shall submit a proposal to~~  
413 ~~the Department of Workforce Services detailing:]~~

414 ~~[(a) the respondent's strategy to implement the high quality components described in~~  
415 ~~Section 53F-6-304;]~~

416 ~~[(b) the number of students the respondent plans to serve, categorized by age and~~  
417 ~~whether the students are eligible students;]~~

418 ~~[(c) for a respondent that is an eligible private provider, the number of high quality~~  
419 ~~school readiness program classrooms the respondent plans to operate; and]~~

420 ~~[(d) the estimated cost per student.]~~

421 ~~[(8)] (5)~~ (a) A recipient of a grant under this section shall use the grant to move the  
422 recipient's preschool program toward achieving the components described in Section  
423 ~~[53F-6-304]~~ 35A-15-202.

424 (b) A recipient of a grant under this section may not:

425 (i) enter into a results-based contract while the recipient receives the grant[-]; or

426 (ii) receive grant funds under Section 35A-15-302.

427 ~~[(9) (a) A grant recipient shall allow classroom or other visits by an evaluator:]~~

428 ~~[(b) The evaluator shall:]~~

429 ~~[(i) determine whether a grant recipient has effectively implemented the components~~  
430 ~~described in Section 53F-6-304; and]~~

431 ~~[(ii) report the evaluator's findings to the board.]~~

432 ~~[(10)]~~ (6) A recipient of a grant under this section shall ensure that each student who is  
433 enrolled in a classroom or who uses a home-based educational technology program supported  
434 by the grant has a unique student identifier by:

435 (a) if the recipient is an eligible LEA, assigning a unique student identifier to each  
436 student enrolled in the classroom; or

437 (b) if the recipient is an eligible private provider or eligible home-based educational  
438 technology provider, working with the State Board of Education to assign a unique student  
439 identifier to each student enrolled in the classroom or who uses the home-based educational  
440 technology program.

441 ~~[(11)]~~ (7) A grant recipient that is an eligible LEA shall report annually to the board  
442 and the State Board of Education the following:

443 (a) number of students served by the preschool, including the number of students who  
444 are eligible students;

445 (b) attendance;

446 (c) cost per student; and

447 ~~[assessment results]~~ assessment results, including the school readiness assessment,  
448 kindergarten assessment, and other assessments as determined by the board.

449 ~~[(12)]~~ (8) A grant recipient that is an eligible private provider or an eligible  
450 home-based educational technology provider shall report annually to the board and the  
451 ~~[Department of Workforce Services]~~ department the following:

452 (a) number of students served by the preschool or program, including the number of  
453 students who are eligible students;

454 (b) attendance;

455 (c) cost per student; and

456 ~~[assessment results]~~ assessment results, including the school readiness assessment  
457 and other assessments as determined by the board.

458 ~~[(13)]~~ (9) The ~~[State Board of Education and the Department of Workforce Services]~~  
459 board shall make rules to effectively administer and monitor the grant program described in  
460 this section, including:

461 (a) requiring grant recipients to use ~~[the pre- and post-assessment selected by the board]~~

462 ~~in accordance with Section 53F-6-309]~~ assessments, including the school readiness assessment,  
 463 as determined by the board; and

464 (b) establishing reporting requirements for grant recipients.

465 ~~[(14) At the request of the board, the State Board of Education and the Department of~~  
 466 ~~Workforce Services shall annually share the information received from grant recipients~~  
 467 ~~described in Subsections (11) and (12) with the board.]~~

468 Section 6. Section 35A-15-302, which is renumbered from Section 53F-5-303 is  
 469 renumbered and amended to read:

470 ~~[53F-5-303].~~ **35A-15-302. Expanded Student Access to High Quality**  
 471 **School Readiness Programs Grant Program -- Determination of high quality school**  
 472 **readiness program-- Reporting requirement.**

473 (1) There is created the Student Access to High Quality School Readiness Programs  
 474 Grant Program to expand access to high quality school readiness programs for eligible students  
 475 through~~[:]~~ grants administered by the board for eligible LEAs and eligible private providers.

476 ~~[(a) grants for LEAs administered by the board; and]~~

477 ~~[(b) grants for eligible private providers administered by the department.]~~

478 ~~[(2) The board, in coordination with the department, shall develop a tool to determine~~  
 479 ~~whether a school readiness program is a high quality school readiness program.]~~

480 ~~[(3)(a)]~~ (2) The board, in cooperation with the department and the State Board of  
 481 Education, shall solicit proposals from eligible LEAs and eligible private providers to fund  
 482 increases in the number of eligible students high quality school readiness programs can serve.

483 ~~[(b) The department shall solicit proposals from eligible private providers to fund~~  
 484 ~~increases in the number of eligible students high quality school readiness programs can serve.]~~

485 ~~[(4)]~~ (3) (a) Except as provided in Subsection ~~[(4)]~~ (3)(c), a respondent shall submit a  
 486 proposal that includes the information described in Subsection ~~[(4)]~~ (3)(b)~~[(i)]~~ to the board~~;~~  
 487 ~~for a respondent that is an LEA; or],~~

488 ~~[(ii) to the department, for a respondent that is an eligible private provider.]~~

489 (b) A respondent's proposal for the grant solicitation described in Subsection ~~[(3)]~~ (2)  
 490 shall include:

491 (i) the respondent's existing and proposed school readiness program, including:

492 (A) the number of students served by the respondent's school readiness program;



493 (B) the respondent's policies and procedures for admitting students into the school  
 494 readiness program;

495 (C) the estimated cost per student; and

496 (D) any fees the respondent charges to a parent or legal guardian for the school  
 497 readiness program;

498 (ii) the respondent's plan to use funding sources, in addition to a grant described in this  
 499 section, including:

500 (A) federal funding; or

501 (B) private grants or donations;

502 (iii) existing or planned partnerships between the respondent and an LEA, eligible  
 503 private provider, or eligible home-based technology provider to increase access to high quality  
 504 school readiness programs for eligible students;

505 (iv) how the respondent would use a grant to:

506 (A) expand the number of eligible students served by the respondent's school readiness  
 507 program; and

508 (B) target the funding toward the highest risk students~~[-, including addressing the~~  
 509 ~~particular needs of children at risk of experiencing intergenerational poverty];~~

510 ~~[(v) how the respondent's school readiness program is a high quality school readiness~~  
 511 ~~program; and]~~

512 ~~[(vi)]~~ (v) the results of any evaluations of the respondent's school readiness program~~[-];~~  
 513 and

514 (vi) a demonstration that the respondent's existing school readiness program meets  
 515 performance outcome measures.

516 (c) In addition to the requirements described in Subsection ~~[(4)]~~ (3)(b), a respondent  
 517 that is an eligible LEA shall describe in the respondent's proposal the percentage of the  
 518 respondent's kindergarten through grade 12 students who are economically disadvantaged  
 519 ~~[children].~~

520 ~~[(5)(a)]~~ (4) For each ~~[LEA]~~ proposal received in response to the solicitation described  
 521 in Subsection ~~[(3)(a)]~~ (2), the board shall determine if the ~~[LEA]~~ respondent school readiness  
 522 program is a high quality school readiness program by:

523 ~~[(i)]~~ (a) applying the tool ~~[described in Subsection (2)]~~; and

524 ~~[(ii) conducting at least one site visit to the program.]~~  
525 (b) reviewing performance outcome measures.  
526 (5) (a) Subject to legislative appropriations and Subsection (9), the board shall award a  
527 grant to a respondent.  
528 ~~[(b) For each eligible private provider proposal received in response to the solicitation~~  
529 ~~described in Subsection (3)(b), the department shall determine if the school readiness program~~  
530 ~~is a high quality school readiness program by:]~~  
531 ~~[(i) applying the tool described in Subsection (2); and]~~  
532 ~~[(ii) conducting at least one site visit to the program.]~~  
533 ~~[(6) (a) Subject to legislative appropriations and Subsection (6)(b), the board shall~~  
534 ~~award grants, on a competitive basis, to respondents that are LEAs.]~~  
535 (b) The board may only award a grant to ~~[an LEA]~~ a respondent if:  
536 (i) the ~~[LEA]~~ respondent submits a proposal that includes the information required  
537 under Subsection ~~[(4)]~~ (3); and  
538 (ii) the board determines that the ~~[LEA's]~~ respondent's program is a high quality school  
539 readiness program ~~[as described in Subsection (5); and]~~ in accordance with Subsection (4).  
540 ~~[(iii) the LEA agrees to the evaluation requirements described in Section 53F-5-307.]~~  
541 ~~[(7) (a) Subject to legislative appropriations and Subsection (7)(b), the department~~  
542 ~~shall award grants, on a competitive basis, to respondents that are eligible private providers:]~~  
543 ~~[(b) The department may only award a grant to a respondent if:]~~  
544 ~~[(i) the respondent submits a proposal that includes the information required under~~  
545 ~~Subsection (4);]~~  
546 ~~[(ii) the department determines that the respondent's school readiness program is a high~~  
547 ~~quality school readiness program as described in Subsection (5); and]~~  
548 ~~[(iii) the respondent agrees to the evaluation requirements described in Section~~  
549 ~~53F-5-307.]~~  
550 (c) (i) A recipient of a grant may use funds received under this section to supplement  
551 an existing program but not supplant other funding.  
552 (ii) An eligible LEA or an eligible private provider may not receive funding under this  
553 section if the eligible LEA or eligible private provider receives funding under Section  
554 35A-15-301 or 35A-15-401.

555           ~~[(8)]~~ (6) In evaluating a proposal received in response to the solicitation described in  
 556 Subsection ~~[(3)]~~ (2), the board ~~[and the department]~~ shall consider:

557           (a) the number and percent of students in the respondent's high quality school readiness  
 558 program that are eligible students at the highest risk;

559           (b) geographic diversity, including whether the respondent is urban or rural;

560           (c) the extent to which the respondent intends to participate in a partnership with an  
 561 LEA, eligible private provider, or eligible home-based technology provider; and

562           (d) the respondent's level of administrative support and leadership to effectively  
 563 implement, monitor, and evaluate the program.

564           ~~[(9) (a) The board shall ensure that an LEA that receives a grant under this section  
 565 funded by TANF funds uses the grant to provide a high quality school readiness program for  
 566 eligible students who are eligible to receive assistance through TANF.]~~

567           ~~[(b) The department shall ensure that a private provider that receives a grant under this  
 568 section funded by TANF funds uses the grant to provide a high quality school readiness  
 569 program for eligible students who are eligible to receive assistance through TANF.]~~

570           ~~[(10)]~~ (7) A respondent that receives a grant under this section shall:

571           (a) use the grant to expand access for eligible students to high quality school readiness  
 572 programs by enrolling eligible students in a high quality school readiness program;

573           (b) report to the board annually regarding:

574           (i) how the respondent used the grant awarded under Subsection ~~[(6) or (7)]~~ (5);

575           (ii) participation in any partnerships between an LEA, eligible private provider, or  
 576 eligible home-based technology provider; and

577           (iii) the results of any evaluations;

578           (c) allow classroom or other visits ~~[by an independent evaluator selected by the board  
 579 under Section 53F-5-307]~~ for an evaluation; and

580           (d) for a respondent that is an eligible LEA, notify a parent or legal guardian who  
 581 expresses interest in enrolling the parent or legal guardian's child in the LEA's high quality  
 582 school readiness program of each state-funded high quality school readiness program operating  
 583 within the eligible LEA's geographic boundaries.

584           ~~[(11) An LEA that receives a grant under this section may charge a student fee to  
 585 participate in an LEA's school readiness program if:]~~

586 ~~[(a) the LEA's local school board or charter school governing board approves the fee;]~~

587 ~~[(b) the fee for a student does not exceed the actual cost of providing the high quality~~

588 ~~school readiness program to the student; and]~~

589 ~~[(c) the fee structure for the program is designed on a sliding scale, based on household~~

590 ~~income.]~~

591 ~~[(12)]~~ (8) (a) The board shall establish interventions for a grantee ~~[that is an LEA]~~ that

592 fails to comply with the requirements described in this section or meet the benchmarks

593 described in Subsection (8)(c).

594 ~~[(b) The department shall establish interventions for a grantee that is an eligible private~~

595 ~~provider that fails to comply with the requirements described in this section.]~~

596 ~~[(e)]~~ (b) An intervention under this Subsection ~~[(12)]~~ (8) may include discontinuing or

597 reducing funding.

598 (c) (i) The board shall adopt benchmarks for success on the performance outcome

599 measures for a grant recipient under this section.

600 (ii) If a grant recipient fails to meet the board's benchmarks for success on the

601 performance outcome measures, the grant recipient may not receive additional funding under

602 this section.

603 ~~[(13)]~~ (9) Subject to legislative appropriations, the board ~~[and the department]~~ shall

604 give first priority in awarding grants to a respondent that has previously received a grant under

605 this section if the respondent:

606 (a) makes the annual report described in Subsection ~~[(9)]~~ (7)(b);

607 (b) participates in the ~~[annual]~~ evaluation ~~[described in Section 53F-5-307];~~ and

608 (c) continues to offer a high quality school readiness program as determined during an

609 annual site visit by:

610 (i) the ~~[board]~~ State Board of Education, for an eligible LEA; or

611 (ii) the department, for an eligible private provider.

612 ~~[(14)]~~ (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

613 Act~~[(a)]~~, the board shall make rules to:

614 ~~[(i)]~~ (a) implement the tool ~~[described in Subsection (2)];~~ and

615 ~~[(ii)]~~ (b) administer the grant program ~~[for LEAs described in this section; and].~~

616 ~~[(b) the department shall make rules to administer the grant program for eligible~~

617 ~~private providers described in this section.]~~

618 Section 7. Section **35A-15-303** is enacted to read:

619 **35A-15-303. Evaluation -- Tool -- Reporting.**

620 (1) The State Board of Education shall, in consultation with the board, conduct the  
621 ongoing review and evaluation each school year of:

622 (a) a grant recipient under Section [35A-15-301](#); and

623 (b) a grant recipient under Section [35A-15-302](#).

624 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the State  
625 Board of Education may enter into a contract with an evaluator to assist with the evaluation  
626 process.

627 (b) An evaluation described in Subsection (1) shall include:

628 (i) outcomes of onsite observations utilizing the tool developed under Subsection (4) at  
629 a frequency and number of classrooms visits established by the board;

630 (ii) performance on the performance outcome measures; and

631 (iii) whether any of the programs improved kindergarten readiness through funding  
632 provided under Section [35A-15-301](#) or [35A-15-302](#).

633 (3) The board shall determine whether there is a correlation between the tool and the  
634 performance outcome measure.

635 (4) The board, in coordination with the department and the State Board of Education:

636 (a) shall:

637 (i) develop a tool to determine whether a school readiness program is a high quality  
638 school readiness program; and

639 (ii) establish how the board will apply the tool to make a determination described in  
640 Subsection (4)(a); and

641 (b) may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
642 Rulemaking Act, for purposes of this Subsection (4).

643 (5) (a) The State Board of Education shall annually submit a report to the Education  
644 Interim Committee.

645 (b) The report described in Subsection (5)(a) shall include a summary of an evaluation  
646 and the efficacy of:

647 (i) the grant program described in Section [35A-15-301](#); and

648 (ii) the grant program described in Section 35A-15-302, including whether any  
649 recipients failed to meet benchmarks for success on performance outcome measures as  
650 described in Subsection 35A-15-302(8)(c).

651 (6) The board shall report to the Education Interim Committee by November 30, 2020,  
652 on benchmarks adopted by the board under Section 35A-15-302.

653 Section 8. Section **35A-15-401**, which is renumbered from Section 53F-6-306 is  
654 renumbered and amended to read:

655 **Part 4. Results-based Contract Funded Programs**

656 ~~[53F-6-306]~~. **35A-15-401. Requirements for a school readiness program to**  
657 **receive funding through a results-based contract.**

658 (1) As used in this section:

659 (a) "Participating program operator" means an eligible LEA, an eligible private  
660 provider, or an eligible home-based educational technology provider, that is a party to a  
661 results-based contract.

662 (b) "Program" means a school readiness program funded through a results-based  
663 contract.

664 (2) (a) Subject to the requirements of this part, an eligible LEA, an eligible private  
665 provider, or an eligible home-based educational technology provider that operates a high  
666 quality school readiness program may enter into and receive funding through a results-based  
667 contract.

668 (b) An eligible LEA, an eligible private provider, or an eligible home-based  
669 educational technology provider may not enter into a results-based contract while receiving a  
670 grant under ~~[Section 53F-6-305]~~ Part 3, Grants for High Quality School Readiness Programs.

671 (3) A participating program operator shall ensure that each student who is enrolled in a  
672 classroom, or who uses a home-based educational technology, that is part of a participating  
673 program operator's program has a unique student identifier by:

674 (a) if the participating program operator is an eligible LEA, assigning a unique student  
675 identifier to each student enrolled in the classroom; or

676 (b) if the participating program operator is an eligible private provider or eligible  
677 home-based technology provider, working with the State Board of Education to assign a unique  
678 student identifier to each student enrolled in the classroom or who uses the home-based

679 educational technology.

680 (4) A participating program operator may not use funds received through a  
681 results-based contract to supplant funds for an existing high quality school readiness program,  
682 but may use the funds to supplement an existing high quality school readiness program.

683 (5) (a) If not prohibited by the Elementary and Secondary Education Act of 1965, 20  
684 U.S.C. Secs. 6301-6576, a participating program operator may charge a sliding scale fee, based  
685 on household income, to a student enrolled in the participating program operator's program.

686 (b) A participating program operator may use grants, scholarships, or other money to  
687 help fund the program.

688 [~~(6) A participating program operator shall:~~]

689 [~~(a) select an evaluator to annually evaluate:~~]

690 [~~(i) the results of the pre- and post-assessment described in Section 53F-6-309 for each  
691 eligible student funded through a results-based contract;~~]

692 [~~(ii) performance on the performance outcome measure as described in Section  
693 53F-6-309; and]~~]

694 [~~(iii) for a participating program operator that is a home-based educational technology  
695 provider, whether the home-based educational technology is being used with fidelity; and]~~]

696 [~~(b) allow classroom visits to ensure the program meets the requirements described in  
697 this part by:~~]

698 [~~(i) the evaluator;~~]

699 [~~(ii) the program intermediary;~~]

700 [~~(iii) the investor, if applicable;~~]

701 [~~(iv) the State Board of Education; and]~~]

702 [~~(v) the Department of Workforce Services.~~]

703 [(7)] (6) (a) A participating program operator that is an eligible LEA may contract with  
704 an eligible private provider to provide a high quality school readiness program to a portion of  
705 the eligible LEA's eligible students if:

706 (i) the results-based contract specifies the number of students to be served by the  
707 eligible private provider; and

708 (ii) the eligible private provider meets the requirements described in this section for a  
709 participating program operator[;].

710 [(iii) the eligible private provider reports the information described in Section  
711 ~~53F-6-310~~ to the board and the contracting eligible LEA; and]

712 [(iv) the contractual partnership is consistent with Utah Constitution, Article X,  
713 ~~Section 1.~~]

714 (b) An eligible LEA that contracts with an eligible private provider shall provide  
715 supportive services to the eligible private provider, which may include:

716 (i) professional development;

717 (ii) staffing or staff support;

718 (iii) materials; or

719 (iv) assessments.

720 Section 9. Section ~~35A-15-402~~, which is renumbered from Section 53F-6-309 is  
721 renumbered and amended to read:

722 ~~[53F-6-309].~~ **35A-15-402. Results-based contracts -- Assessment.**

723 (1) The board may enter into a results-based contract to fund participation of eligible  
724 students in a high quality school readiness program in accordance with ~~[Section 35A-3-209~~  
725 ~~and]~~ this part.

726 (2) (a) ~~[Except as provided in Subsection (3), the]~~ The board shall include an investor  
727 as a party to a results-based contract.

728 (b) The board may provide for a repayment to an investor to include a return of  
729 investment and an additional return on investment, dependent on achievement of the  
730 performance outcome measures set in the results-based contract.

731 (c) The additional return on investment described in Subsection (2)(b) may not exceed  
732 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10  
733 year maturity at the time of the issuance of the results-based contract.

734 (d) Funding obtained for an early education program through a results-based contract  
735 that includes an investor is not a procurement item under Section ~~63G-6a-103~~.

736 (e) A results-based contract that includes an investor shall include:

737 (i) a requirement that the repayment to the investor be conditioned on achieving the  
738 performance outcome measures set in the results-based contract;

739 (ii) a requirement for an independent evaluator to determine whether the performance  
740 outcome measures have been achieved;



741 (iii) a provision that repayment to the investor is~~[(A) based upon available money in~~  
742 ~~the School Readiness Restricted Account described in Section 35A-3-210; and (B)]~~ subject to  
743 legislative appropriations; and

744 (iv) a provision that the investor is not eligible to receive or view personally  
745 identifiable student data of students funded through the results-based contract.

746 (f) The board may not issue a results-based contract [~~that includes an investor as a~~  
747 ~~party to the contract]~~ if the total outstanding obligations of results-based contracts that include  
748 an investor as a party to the contract would exceed \$15,000,000 at any one time.

749 ~~[(3)(a) The board may enter into a results-based contract to directly fund a high quality~~  
750 ~~school readiness program that has at least four years of data for at least one cohort of students~~  
751 ~~showing that the high quality school readiness program has met a performance outcome~~  
752 ~~measure.]~~

753 ~~[(b) A results-based contract described in Subsection (3)(a):]~~

754 ~~[(i) does not require an investor; and]~~

755 ~~[(ii) shall include a provision that:]~~

756 ~~[(A) requires that in order to continue receiving funding, the high quality school~~  
757 ~~readiness program continue to meet a performance outcome measure; and]~~

758 ~~[(B) provides an improvement time frame during which the high quality school~~  
759 ~~readiness program may continue to receive funding if the high quality school readiness~~  
760 ~~program fails to continue to meet the performance outcome measure.]~~

761 ~~[(4) The board shall select a uniform assessment of age-appropriate cognitive or~~  
762 ~~language skills that:]~~

763 ~~[(a) is nationally norm-referenced;]~~

764 ~~[(b) has established reliability;]~~

765 ~~[(c) has established validity with other similar measures and with later school~~  
766 ~~outcomes; and]~~

767 ~~[(d) has strong psychometric characteristics.]~~

768 (3) The board shall require an independent evaluation to determine if a school  
769 readiness program meets the performance outcome measures included in a results-based  
770 contract.

771 ~~[(5)(a) In]~~ (4) If the board enters into a results-based contract, in accordance with

772 Title 63G, Chapter 6a, Utah Procurement Code, the board shall select ~~[at least three~~  
 773 ~~independent evaluators with experience in:]~~ an independent evaluator with experience in  
 774 evaluating school readiness programs.

775 ~~[(i) evaluating school readiness programs; and]~~

776 ~~[(ii) administering the assessment selected under Subsection (4).]~~

777 ~~[(b) An eligible LEA, eligible private provider, or eligible home-based educational~~  
 778 ~~technology provider that has a results-based contract shall select one of the evaluators~~  
 779 ~~described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-306.]~~

780 ~~[(c) The board shall select one of the evaluators described in Subsection (5)(a) to~~  
 781 ~~conduct an evaluation described in Section 53F-6-305.]~~

782 ~~[(6)]~~ (5) (a) At the end of each year of a results-based contract after a student funded  
 783 through a results-based contract completes kindergarten, the independent evaluator ~~[described~~  
 784 ~~in Subsection (5)(b)]~~ shall determine whether the performance outcome measures set in the  
 785 results-based contract have been met.

786 (b) The board may not pay an investor unless the evaluation described in Subsection  
 787 ~~[(6)]~~ (5)(a) determines that the performance outcome measures in the results-based contract  
 788 have been met.

789 ~~[(7)]~~ (6) (a) The board shall ensure that a parent or guardian of an eligible student  
 790 participating in a program funded through a results-based contract has given permission and  
 791 signed an acknowledgment that the student's data may be shared ~~[with an independent~~  
 792 ~~evaluator]~~ for research and evaluation purposes, subject to federal law.

793 (b) The board shall maintain documentation of parental permission required in  
 794 Subsection ~~[(7)]~~ (6)(a).

795 Section 10. Section **53E-4-308** is amended to read:

796 **53E-4-308. Unique student identifier -- Coordination of higher education and**  
 797 **public education information technology systems -- Coordination of preschool and public**  
 798 **education information technology systems.**

799 (1) As used in this section, "unique student identifier" means an alphanumeric code  
 800 assigned to each public education student for identification purposes, which:

801 (a) is not assigned to any former or current student; and

802 (b) does not incorporate personal information, including a birth date or Social Security

803 number.

804 (2) The state board, through the state superintendent of public instruction, shall assign  
805 each public education student a unique student identifier, which shall be used to track  
806 individual student performance on achievement tests administered under this part.

807 (3) The state board and the State Board of Regents shall coordinate public education  
808 and higher education information technology systems to allow individual student academic  
809 achievement to be tracked through both education systems in accordance with this section and  
810 Section 53B-1-109.

811 (4) The board and the State Board of Regents shall coordinate access to the unique  
812 student identifier of a public education student who later attends an institution within the state  
813 system of higher education.

814 (5) (a) The state board and the Department of Workforce Services shall coordinate  
815 assignment of a unique student identifier to each student enrolled in a program described in  
816 Title 35A, Chapter 15, Preschool Programs.

817 (b) A unique student identifier assigned to a student under Subsection (5)(a) shall  
818 remain the student's unique student identifier used by the state board when the student enrolls  
819 in a public school in kindergarten or a later grade.

820 (c) The state board, the Department of Workforce Services, and a contractor as defined  
821 in Section 53F-4-401, shall coordinate access to the unique student identifier of a preschool  
822 student who later attends an LEA.

823 Section 11. Section **53E-4-314** is amended to read:

824 **53E-4-314. School readiness assessment.**

825 (1) As used in this section:

826 (a) "School readiness assessment" [~~means the preschool entry assessment described in~~  
827 ~~this section~~] means a preschool entry and exit profile that measures literacy, numeracy, and  
828 lifelong learning practices developed in a student.

829 (b) "School readiness program" means a preschool program:

830 (i) in which a student participates in the year before the student is expected to enroll in  
831 kindergarten; and

832 (ii) that receives funding under[:] Title 35A, Chapter 15, Preschool Programs.

833 [~~(A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program; or~~]

834 [~~(B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.~~]

835 (2) The [~~State Board of Education~~] state board shall develop a school readiness  
836 assessment that aligns with the kindergarten entry and exit assessment described in Section  
837 53F-4-205.

838 (3) A school readiness program shall:

839 (a) except as provided in Subsection (4), administer to each student who participates in  
840 the school readiness program[~~:(i)~~] the school readiness assessment at the beginning and end of  
841 the student's participation in the school readiness program; and

842 [~~(ii) the kindergarten entry assessment described in Section 53F-4-205 at the end of the~~  
843 ~~student's participation in the school readiness program; and]~~

844 (b) report the results of the assessments described in Subsection (3)(a) or (4) to[~~:~~] the  
845 School Readiness Board created in Section 35A-15-201.

846 [~~(i) the State Board of Education; and]~~

847 [~~(ii) the Department of Workforce Services.~~]

848 (4) In place of the assessments described in Subsection (3)(a), a school readiness  
849 program that is offered through home-based technology may administer to each student who  
850 participates in the school readiness program:

851 (a) a validated computer adaptive pre-assessment at the beginning of the student's  
852 participation in the school readiness program; and

853 (b) a validated computer adaptive post-assessment at the end of the student's  
854 participation in the school readiness program.

855 Section 12. Section **53E-9-301** is amended to read:

856 **53E-9-301. Definitions.**

857 As used in this part:

858 (1) "Adult student" means a student who:

859 (a) is at least 18 years old;

860 (b) is an emancipated student; or

861 (c) qualifies under the McKinney-Vento Homeless Education Assistance

862 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

863 (2) "Aggregate data" means data that:

864 (a) are totaled and reported at the group, cohort, school, school district, region, or state

- 865 level with at least 10 individuals in the level;
- 866 (b) do not reveal personally identifiable student data; and
- 867 (c) are collected in accordance with board rule.
- 868 (3) (a) "Biometric identifier" means a:
- 869 (i) retina or iris scan;
- 870 (ii) fingerprint;
- 871 (iii) human biological sample used for valid scientific testing or screening; or
- 872 (iv) scan of hand or face geometry.
- 873 (b) "Biometric identifier" does not include:
- 874 (i) a writing sample;
- 875 (ii) a written signature;
- 876 (iii) a voiceprint;
- 877 (iv) a photograph;
- 878 (v) demographic data; or
- 879 (vi) a physical description, such as height, weight, hair color, or eye color.
- 880 (4) "Biometric information" means information, regardless of how the information is
- 881 collected, converted, stored, or shared:
- 882 (a) based on an individual's biometric identifier; and
- 883 (b) used to identify the individual.
- 884 (5) "Board" means the State Board of Education.
- 885 (6) "Data breach" means an unauthorized release of or unauthorized access to
- 886 personally identifiable student data that is maintained by an education entity.
- 887 (7) "Data governance plan" means an education entity's comprehensive plan for
- 888 managing education data that:
- 889 (a) incorporates reasonable data industry best practices to maintain and protect student
- 890 data and other education-related data;
- 891 (b) describes the role, responsibility, and authority of an education entity data
- 892 governance staff member;
- 893 (c) provides for necessary technical assistance, training, support, and auditing;
- 894 (d) describes the process for sharing student data between an education entity and
- 895 another person;

896 (e) describes the education entity's data expungement process, including how to  
897 respond to requests for expungement;

898 (f) describes the data breach response process; and

899 (g) is published annually and available on the education entity's website.

900 (8) "Education entity" means:

901 (a) the board;

902 (b) a local school board;

903 (c) a charter school governing board;

904 (d) a school district;

905 (e) a charter school; or

906 (f) the Utah Schools for the Deaf and the Blind[~~;~~or].

907 [~~(g) for purposes of implementing the School Readiness Initiative described in Title~~  
908 ~~53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in~~  
909 ~~Section 35A-3-209.~~]

910 (9) "Expunge" means to seal or permanently delete data, as described in board rule  
911 made under Section 53E-9-306.

912 (10) "General audience application" means an Internet website, online service, online  
913 application, mobile application, or software program that:

914 (a) is not specifically intended for use by an audience member that attends kindergarten  
915 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from  
916 1 to 12; and

917 (b) is not subject to a contract between an education entity and a third-party contractor.

918 (11) "Higher education outreach student data" means the following student data for a  
919 student:

920 (a) name;

921 (b) parent name;

922 (c) grade;

923 (d) school and school district; and

924 (e) contact information, including:

925 (i) primary phone number;

926 (ii) email address; and

- 927 (iii) physical address.
- 928 (12) "Individualized education program" or "IEP" means a written statement:
- 929 (a) for a student with a disability; and
- 930 (b) that is developed, reviewed, and revised in accordance with the Individuals with
- 931 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 932 (13) "Local education agency" or "LEA" means:
- 933 (a) a school district;
- 934 (b) a charter school; or
- 935 (c) the Utah Schools for the Deaf and the Blind~~[; or]~~.
- 936 ~~[(d) for purposes of implementing the School Readiness Initiative described in Title~~
- 937 ~~53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in~~
- 938 ~~Section 35A-3-209.]~~
- 939 (14) "Metadata dictionary" means a record that:
- 940 (a) defines and discloses all personally identifiable student data collected and shared by
- 941 the education entity;
- 942 (b) comprehensively lists all recipients with whom the education entity has shared
- 943 personally identifiable student data, including:
- 944 (i) the purpose for sharing the data with the recipient;
- 945 (ii) the justification for sharing the data, including whether sharing the data was
- 946 required by federal law, state law, or a local directive; and
- 947 (iii) how sharing the data is permitted under federal or state law; and
- 948 (c) without disclosing personally identifiable student data, is displayed on the
- 949 education entity's website.
- 950 (15) "Necessary student data" means data required by state statute or federal law to
- 951 conduct the regular activities of an education entity, including:
- 952 (a) name;
- 953 (b) date of birth;
- 954 (c) sex;
- 955 (d) parent contact information;
- 956 (e) custodial parent information;
- 957 (f) contact information;

- 958 (g) a student identification number;
- 959 (h) local, state, and national assessment results or an exception from taking a local,  
960 state, or national assessment;
- 961 (i) courses taken and completed, credits earned, and other transcript information;
- 962 (j) course grades and grade point average;
- 963 (k) grade level and expected graduation date or graduation cohort;
- 964 (l) degree, diploma, credential attainment, and other school exit information;
- 965 (m) attendance and mobility;
- 966 (n) drop-out data;
- 967 (o) immunization record or an exception from an immunization record;
- 968 (p) race;
- 969 (q) ethnicity;
- 970 (r) tribal affiliation;
- 971 (s) remediation efforts;
- 972 (t) an exception from a vision screening required under Section [53G-9-404](#) or  
973 information collected from a vision screening required under Section [53G-9-404](#);
- 974 (u) information related to the Utah Registry of Autism and Developmental Disabilities,  
975 described in Section [26-7-4](#);
- 976 (v) student injury information;
- 977 (w) a disciplinary record created and maintained as described in Section [53E-9-306](#);
- 978 (x) juvenile delinquency records;
- 979 (y) English language learner status; and
- 980 (z) child find and special education evaluation data related to initiation of an IEP.
- 981 (16) (a) "Optional student data" means student data that is not:
  - 982 (i) necessary student data; or
  - 983 (ii) student data that an education entity may not collect under Section [53E-9-305](#).
- 984 (b) "Optional student data" includes:
  - 985 (i) information that is:
    - 986 (A) related to an IEP or needed to provide special needs services; and
    - 987 (B) not necessary student data;
  - 988 (ii) biometric information; and



989 (iii) information that is not necessary student data and that is required for a student to  
990 participate in a federal or other program.

991 (17) "Parent" means:

992 (a) a student's parent;

993 (b) a student's legal guardian; or

994 (c) an individual who has written authorization from a student's parent or legal  
995 guardian to act as a parent or legal guardian on behalf of the student.

996 (18) (a) "Personally identifiable student data" means student data that identifies or is  
997 used by the holder to identify a student.

998 (b) "Personally identifiable student data" includes:

999 (i) a student's first and last name;

1000 (ii) the first and last name of a student's family member;

1001 (iii) a student's or a student's family's home or physical address;

1002 (iv) a student's email address or other online contact information;

1003 (v) a student's telephone number;

1004 (vi) a student's social security number;

1005 (vii) a student's biometric identifier;

1006 (viii) a student's health or disability data;

1007 (ix) a student's education entity student identification number;

1008 (x) a student's social media user name and password or alias;

1009 (xi) if associated with personally identifiable student data, the student's persistent  
1010 identifier, including:

1011 (A) a customer number held in a cookie; or

1012 (B) a processor serial number;

1013 (xii) a combination of a student's last name or photograph with other information that  
1014 together permits a person to contact the student online;

1015 (xiii) information about a student or a student's family that a person collects online and  
1016 combines with other personally identifiable student data to identify the student; and

1017 (xiv) information that, alone or in combination, is linked or linkable to a specific  
1018 student that would allow a reasonable person in the school community, who does not have  
1019 personal knowledge of the relevant circumstances, to identify the student with reasonable

1020 certainty.

1021 (19) "School official" means an employee or agent of an education entity, if the  
1022 education entity has authorized the employee or agent to request or receive student data on  
1023 behalf of the education entity.

1024 (20) (a) "Student data" means information about a student at the individual student  
1025 level.

1026 (b) "Student data" does not include aggregate or de-identified data.

1027 (21) "Student data manager" means:

1028 (a) the state student data officer; or

1029 (b) an individual designated as a student data manager by an education entity under  
1030 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).

1031 (22) (a) "Targeted advertising" means presenting advertisements to a student where the  
1032 advertisement is selected based on information obtained or inferred over time from that  
1033 student's online behavior, usage of applications, or student data.

1034 (b) "Targeted advertising" does not include advertising to a student:

1035 (i) at an online location based upon that student's current visit to that location; or

1036 (ii) in response to that student's request for information or feedback, without retention  
1037 of that student's online activities or requests over time for the purpose of targeting subsequent  
1038 ads.

1039 (23) "Third-party contractor" means a person who:

1040 (a) is not an education entity; and

1041 (b) pursuant to a contract with an education entity, collects or receives student data in  
1042 order to provide a product or service, as described in the contract, if the product or service is  
1043 not related to school photography, yearbooks, graduation announcements, or a similar product  
1044 or service.

1045 (24) "Written consent" means written authorization to collect or share a student's  
1046 student data, from:

1047 (a) the student's parent, if the student is not an adult student; or

1048 (b) the student, if the student is an adult student.

1049 Section 13. Section **53F-4-401** is amended to read:

1050 **53F-4-401. Definitions.**

1051 As used in this part:

1052 (1) "Contractor" means the educational technology provider selected by the [State  
1053 ~~Board of Education~~] state board under Section 53F-4-402.

1054 [~~(2) "Low income" means an income below 185% of the federal poverty guideline.~~]

1055 (2) "Intergenerational poverty" means the same as that term is defined in Section  
1056 35A-9-102.

1057 (3) "Preschool [~~children~~] child" means [~~children who are~~] a child who is:

1058 (a) age four or five; and

1059 (b) [~~have not entered kindergarten.~~] not eligible for enrollment under Subsection  
1060 53G-4-402(6).

1061 (4) (a) "Private preschool provider" means a child care program that:

1062 (i) (A) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

1063 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section  
1064 26-39-403; and

1065 (ii) meets other criteria as established by the state board, consistent with Utah  
1066 Constitution, Article X, Section 1.

1067 (b) "Private preschool provider" does not include:

1068 (i) residential child care, as defined in Section 26-39-102; or

1069 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

1070 (5) "Public preschool" means a preschool program that is provided by a school district  
1071 or charter school.

1072 (6) "Qualifying participant" means a preschool child who:

1073 (a) resides within the boundaries of a qualifying school as determined under Section  
1074 53G-6-302; or

1075 (b) is enrolled in a qualifying preschool.

1076 (7) "Qualifying preschool" means a public preschool or private preschool provider that:

1077 (a) serves preschool children covered by child care subsidies funded by the Child Care  
1078 and Development Block Grant Program authorized under 42 U.S.C. Secs. 9857-9858r;

1079 (b) participates in a federally assisted meal program that provides funds to licensed  
1080 child care centers as authorized under Section 53E-3-501; or

1081 (c) is located within the boundaries of a qualifying school.

- 1082           (8) "Qualifying school" means a school district elementary school that:
- 1083           (a) has at least 50% of students who were eligible to receive free or reduced lunch the
- 1084 previous school year;
- 1085           (b) is a school with a high percentage, as determined by the Department of Workforce
- 1086 Services through rule and based on the previous school year enrollments, of students
- 1087 experiencing intergenerational poverty; or
- 1088           (c) is located in one of the following school districts:
- 1089           (i) Beaver School District;
- 1090           (ii) Carbon School District;
- 1091           (iii) Daggett School District;
- 1092           (iv) Duchesne School District;
- 1093           (v) Emery School District;
- 1094           (vi) Garfield School District;
- 1095           (vii) Grand School District;
- 1096           (viii) Iron School District;
- 1097           (ix) Juab School District;
- 1098           (x) Kane School District;
- 1099           (xi) Millard School District;
- 1100           (xii) Morgan School District;
- 1101           (xiii) North Sanpete School District;
- 1102           (xiv) North Summit School District;
- 1103           (xv) Piute School District;
- 1104           (xvi) Rich School District;
- 1105           (xvii) San Juan School District;
- 1106           (xviii) Sevier School District;
- 1107           (xix) South Sanpete School District;
- 1108           (xx) South Summit School District;
- 1109           (xxi) Tintic School District;
- 1110           (xxii) Uintah School District; or
- 1111           (xxiii) Wayne School District.
- 1112           ~~(4)~~ (9) "UPSTART" means the project established by Section 53F-4-402 that uses a

1113 home-based educational technology program to develop school readiness skills of preschool  
1114 children.

1115 Section 14. Section **53F-4-402** is amended to read:

1116 **53F-4-402. UPSTART program to develop school readiness skills of preschool**  
1117 **children.**

1118 (1) UPSTART, a project that uses a home-based educational technology program to  
1119 develop school readiness skills of preschool children, is established within the public education  
1120 system.

1121 (2) UPSTART is created to:

1122 (a) evaluate the effectiveness of giving preschool children access, at home, to  
1123 interactive individualized instruction delivered by computers and the Internet to prepare them  
1124 academically for success in school; and

1125 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science  
1126 delivered by computers and the Internet to all preschool children in Utah.

1127 (3) (a) The [~~State Board of Education~~] state board shall contract with an educational  
1128 technology provider, selected through a request for proposals process, for the delivery of a  
1129 home-based educational technology program for preschool children that meets the  
1130 requirements of Subsection (4).

1131 [~~(b) (i) The State Board of Education may, on or before July 1, 2019, issue a request~~  
1132 ~~for proposals for two-year pilot proposals from, and enter into a contract with, one or more~~  
1133 ~~educational technology providers that do not have an existing contract under this part with the~~  
1134 ~~state for the delivery of a home-based educational technology program for preschool children~~  
1135 ~~that meets the requirements of Subsection (4).]~~

1136 [~~(ii) If the State Board of Education enters into a contract for a two-year pilot as~~  
1137 ~~described in Subsection (3)(b)(i), the State Board of Education may enter into a contract with~~  
1138 ~~one or more educational technology providers that have participated in a Utah pilot.]~~

1139 [~~(c)~~] (b) Every five years [~~after July 1, 2021, the State Board of Education~~], the state  
1140 board may issue a new request for proposals described in this section.

1141 (4) A home-based educational technology program for preschool children shall meet  
1142 the following standards:

1143 (a) the contractor shall provide computer-assisted instruction for preschool children on

- 1144 a home computer connected by the Internet to a centralized file storage facility;
- 1145 (b) the contractor shall:
- 1146 (i) provide technical support to families for the installation and operation of the
- 1147 instructional software; and
- 1148 (ii) provide for the installation of computer and Internet access in homes of [~~low~~
- 1149 ~~income families~~] qualifying participants that cannot afford the equipment and service;
- 1150 (c) the contractor shall have the capability of doing the following through the Internet:
- 1151 (i) communicating with parents;
- 1152 (ii) updating the instructional software;
- 1153 (iii) validating user access;
- 1154 (iv) collecting usage data;
- 1155 (v) storing research data; and
- 1156 (vi) producing reports for parents, schools, and the Legislature;
- 1157 (d) the program shall include the following components:
- 1158 (i) computer-assisted, individualized instruction in reading, mathematics, and science;
- 1159 (ii) a multisensory reading tutoring program; and
- 1160 (iii) a validated computer adaptive reading test that does not require the presence of
- 1161 trained adults to administer and is an accurate indicator of reading readiness of children who
- 1162 cannot read;
- 1163 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
- 1164 and support the product;
- 1165 (f) the contractor shall work in cooperation with [~~school district~~] public preschool or
- 1166 private preschool provider personnel who will provide administrative and technical support of
- 1167 the program as provided in Section [53F-4-403](#);
- 1168 (g) the contractor shall solicit families to participate in the program as provided in
- 1169 Section [53F-4-404](#); and
- 1170 (h) in implementing the home-based educational technology program, the contractor
- 1171 shall seek the [~~advise~~] advice and expertise of early childhood education professionals within
- 1172 the Utah System of Higher Education on issues such as:
- 1173 (i) soliciting families to participate in the program;
- 1174 (ii) providing training to families; and

1175 (iii) motivating families to regularly use the instructional software.

1176 (5) ~~[(a)]~~ The contract shall provide funding for a home-based educational technology  
1177 program for preschool children, subject to the appropriation of money by the Legislature for  
1178 UPSTART.

1179 ~~[(b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall  
1180 be separate from an appropriation described in Subsection (5)(a).]~~

1181 (6) The ~~[State Board of Education]~~ state board shall evaluate a proposal based on:

1182 (a) whether the home-based educational technology program meets the standards  
1183 specified in Subsection (4);

1184 (b) the results of an independent evaluation of the home-based educational technology  
1185 program;

1186 (c) the experience of the home-based educational technology program provider; and

1187 (d) the per pupil cost of the home-based educational technology program.

1188 Section 15. Section **53F-4-403** is amended to read:

1189 **53F-4-403. School district participation in UPSTART.**

1190 (1) A school district may participate in UPSTART if the local school board agrees, or a  
1191 private preschool provider may participate in UPSTART if the private preschool provider  
1192 agrees, to work in cooperation with the contractor to provide administrative and technical  
1193 support for UPSTART.

1194 ~~[(2) Family participants in UPSTART shall be solicited from school districts that  
1195 participate in UPSTART.]~~

1196 ~~[(3) A school district that participates in UPSTART shall:]~~

1197 ~~[(a) receive funding for:]~~

1198 ~~[(i) paraprofessional and technical support staff; and]~~

1199 ~~[(ii) travel, materials, and meeting costs of the program;]~~

1200 ~~[(b) participate in program training by the contractor; and]~~

1201 ~~[(c) agree to adopt standardized policies and procedures in implementing UPSTART.]~~

1202 (2) A contractor may require a local school board or private preschool provider  
1203 participating in UPSTART to enter into an agreement with the contractor to:

1204 (a) dictate targets for program usage and terms for failure to meet those targets;

1205 (b) determine data sharing terms; and

1206 (c) agree to other reasonable terms required for successful implementation.

1207 Section 16. Section **53F-4-404** is amended to read:

1208 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

1209 (1) The contractor shall:

1210 (a) solicit families to participate in UPSTART through a public information campaign  
1211 and referrals from participating school districts; and

1212 (b) work with the Department of Workforce Services and the [~~State Board of~~  
1213 ~~Education~~] state board to solicit participation from families of [~~children experiencing~~  
1214 ~~intergenerational poverty, as defined in Section 35A-9-102;~~] qualifying participants to  
1215 participate in UPSTART.

1216 (2) [~~(a)~~] Preschool children who participate in UPSTART shall:

1217 [~~(i)~~] (a) be from families with diverse socioeconomic and ethnic backgrounds;

1218 [~~(ii)~~] (b) reside in different regions of the state in both urban and rural areas; and

1219 [~~(iii)~~] (c) be given preference to participate if the preschool [~~child's family resides in a~~  
1220 ~~rural area with limited prekindergarten services~~] children are qualifying participants.

1221 [~~(b) (i) If the number of families who would like to participate in UPSTART exceeds~~  
1222 ~~the number of participants funded by the legislative appropriation, the contractor shall give~~  
1223 ~~priority to preschool children from low income families and preschool children who are~~  
1224 ~~English language learners.]~~

1225 [~~(ii) At least 30% of the preschool children who participate in UPSTART shall be from~~  
1226 ~~low income families.]~~

1227 [~~(3) A low income family that cannot afford a computer and Internet service to operate~~  
1228 ~~the instructional software]~~

1229 (3) (a) In a contract entered into with an educational technology provider as described  
1230 in Section 53F-4-402, the state board shall require the provider to prioritize enrollment of  
1231 qualified participants based on a first come, first served basis.

1232 (b) The state board shall provide a list of qualifying schools and qualifying preschools  
1233 and other applicable information to the contractor for verification of qualifying participants.

1234 (c) The contractor shall annually provide participant information to the state board as  
1235 part of the verification process.

1236 (d) A qualifying participant may obtain a computer and peripheral equipment on loan



1237 and receive free Internet service for the duration of the ~~[family's]~~ qualified participant's  
 1238 participation in UPSTART[-] if the qualifying participant:

1239 (i) cannot afford a computer or Internet service to operate the instructional software;

1240 and

1241 (ii) the qualifying participant participates in UPSTART at home.

1242 (4) (a) The contractor shall make the home-based educational technology program  
 1243 available to families at a cost agreed upon by the ~~[State Board of Education]~~ state board and the  
 1244 contractor if the number of families who would like to participate in UPSTART exceeds the  
 1245 number of participants funded by the legislative appropriation.

1246 (b) The ~~[State Board of Education]~~ state board and the contractor shall annually post on  
 1247 their websites information on purchasing a home-based educational technology program as  
 1248 provided in Subsection (4)(a).

1249 ~~[(5) (a) The contractor shall:]~~

1250 ~~[(i) determine if a family is a low income family for purposes of this part, and]~~

1251 ~~[(ii) use the same application form as described in Section 35A-9-401 or create an~~  
 1252 ~~application form that requires an individual to provide and certify the information necessary for~~  
 1253 ~~the contractor to make the determination described in Subsection (5)(a)(i).]~~

1254 ~~[(b) The contractor may:]~~

1255 ~~[(i) require an individual to submit supporting documentation, and]~~

1256 ~~[(ii) create a deadline for an individual to submit an application, if necessary.]~~

1257 (c) A preschool child may only participate in UPSTART through legislative funding  
 1258 once.

1259 Section 17. Section **53F-4-406** is amended to read:

1260 **53F-4-406. Audit and evaluation.**

1261 (1) The state auditor shall every three years:

1262 (a) conduct an ~~[annual]~~ audit of the contractor's use of funds for UPSTART; or

1263 (b) contract with an independent certified public accountant to conduct an ~~[annual]~~

1264 audit.

1265 (2) The ~~[State Board of Education]~~ state board shall:

1266 (a) require by contract that the contractor will open its books and records relating to its  
 1267 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

1268 (b) reimburse the state auditor for the actual and necessary costs of the audit; and  
 1269 (c) contract with an independent, qualified evaluator, selected through a request for  
 1270 proposals process, to evaluate the home-based educational technology program for preschool  
 1271 children.

1272 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,  
 1273 assessment scores from an assessment described in Section 53F-4-205 to evaluate whether the  
 1274 contractor has effectively prepared preschool children for academic success as described in  
 1275 Section 53F-4-402.

1276 ~~[(3)]~~ (4) Of the money appropriated by the Legislature for UPSTART, excluding funds  
 1277 used to provide computers, peripheral equipment, and Internet service to families, no more than  
 1278 7.5% may be used for the evaluation and administration of the program.

1279 Section 18. Section ~~53F-4-407~~ is amended to read:

1280 **53F-4-407. Annual report.**

1281 (1) The ~~[State Board of Education]~~ state board shall make a report on UPSTART to the  
 1282 Education Interim Committee by November 30 each year.

1283 (2) The report shall:

1284 (a) address the extent to which UPSTART is accomplishing the purposes for which it  
 1285 was established as specified in Section 53F-4-402; and

1286 (b) include the following information:

1287 (i) the number of families:

1288 (A) volunteering to participate in the program;

1289 (B) selected to participate in the program;

1290 (C) requesting computers; and

1291 (D) furnished computers;

1292 (ii) the number of private preschool providers and public preschool providers  
 1293 participating in the program;

1294 ~~[(ii)]~~ (iii) the frequency of use of the instructional software;

1295 ~~[(iii)]~~ (iv) obstacles encountered with software usage, hardware, or providing technical  
 1296 assistance to families;

1297 ~~[(iv)]~~ (v) student performance on ~~[pre-kindergarten and post-kindergarten]~~ entry and  
 1298 exit kindergarten assessments conducted by school districts and charter schools for students

1299 who participated in the home-based educational technology program and those who did not  
1300 participate in the program; and

1301 [~~(v)~~] (vi) as available, the evaluation of the program conducted pursuant to Section  
1302 [53F-4-406](#).

1303 Section 19. Section **63I-1-263** is amended to read:

1304 **63I-1-263. Repeal dates, Titles 63A to 63N.**

1305 (1) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

1306 (2) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.

1307 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
1308 1, 2028.

1309 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is  
1310 repealed November 30, 2019.

1311 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,  
1312 2020.

1313 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
1314 repealed July 1, 2021.

1315 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,  
1316 2023.

1317 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
1318 2025.

1319 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
1320 2020.

1321 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

1322 (11) On July 1, 2025:

1323 (a) in Subsection [17-27a-404](#)(3)(c)(ii), the language that states "the Resource  
1324 Development Coordinating Committee," is repealed;

1325 (b) Subsection [23-14-21](#)(2)(c) is amended to read "(c) provide notification of proposed  
1326 sites for the transplant of species to local government officials having jurisdiction over areas  
1327 that may be affected by a transplant.";

1328 (c) in Subsection [23-14-21](#)(3), the language that states "and the Resource Development  
1329 Coordinating Committee" is repealed;

- 1330 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development  
1331 Coordinating Committee created in Section 63J-4-501 and" is repealed;
- 1332 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development  
1333 Coordinating Committee and" is repealed;
- 1334 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered  
1335 accordingly;
- 1336 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;
- 1337 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the  
1338 word "and" is inserted immediately after the semicolon;
- 1339 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);
- 1340 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;  
1341 and
- 1342 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are  
1343 renumbered accordingly.
- 1344 (12) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed  
1345 July 1, 2026.
- 1346 (13) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage  
1347 Commission, is repealed July 1, 2023.
- 1348 (14) (a) Subsection 63J-1-602.1[(51)](50), relating to the Utah Statewide Radio System  
1349 Restricted Account, is repealed July 1, 2022.
- 1350 (b) When repealing Subsection 63J-1-602.1[(51)](50), the Office of Legislative  
1351 Research and General Counsel shall, in addition to the office's authority under Subsection  
1352 36-12-12(3), make necessary changes to subsection numbering and cross references.
- 1353 (15) The Crime Victim Reparations and Assistance Board, created in Section  
1354 63M-7-504, is repealed July 1, 2027.
- 1355 (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.
- 1356 (17) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1357 (18) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is  
1358 repealed January 1, 2021.
- 1359 (b) Subject to Subsection (18)(c), Sections 59-7-610 and 59-10-1007 regarding tax  
1360 credits for certain persons in recycling market development zones, are repealed for taxable

1361 years beginning on or after January 1, 2021.

1362 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

1363 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
1364 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

1365 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
1366 the expenditure is made on or after January 1, 2021.

1367 (d) Notwithstanding Subsections (18)(b) and (c), a person may carry forward a tax  
1368 credit in accordance with Section 59-7-610 or 59-10-1007 if:

1369 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

1370 (ii) (A) for the purchase price of machinery or equipment described in Section  
1371 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
1372 2020; or

1373 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
1374 expenditure is made on or before December 31, 2020.

1375 (19) Section 63N-2-512 is repealed on July 1, 2021.

1376 (20) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
1377 January 1, 2021.

1378 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
1379 calendar years beginning on or after January 1, 2021.

1380 (c) Notwithstanding Subsection (20)(b), an entity may carry forward a tax credit in  
1381 accordance with Section 59-9-107 if:

1382 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
1383 31, 2020; and

1384 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
1385 Section 63N-2-603 on or before December 31, 2023.

1386 (21) Subsections 63N-3-109(2)(f) and 63N-3-109(2)(g)(i)(C) are repealed July 1, 2023.

1387 (22) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
1388 July 1, 2023.

1389 (23) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
1390 is repealed January 1, 2023.

1391 (24) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed

1392 July 1, 2018.

1393 Section 20. Section **63J-1-602.1** is amended to read:

1394 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1395 Appropriations made from the following accounts or funds are nonlapsing:

1396 (1) The Utah Intracurricular Student Organization Support for Agricultural Education  
1397 and Leadership Restricted Account created in Section [4-42-102](#).

1398 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1399 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
1400 Section [9-18-102](#).

1401 (4) The National Professional Men's Soccer Team Support of Building Communities  
1402 Restricted Account created in Section [9-19-102](#).

1403 (5) Funds collected for directing and administering the C-PACE district created in  
1404 Section [11-42a-302](#).

1405 (6) Award money under the State Asset Forfeiture Grant Program, as provided under  
1406 Section [24-4-117](#).

1407 (7) Funds collected from the program fund for local health department expenses  
1408 incurred in responding to a local health emergency under Section [26-1-38](#).

1409 (8) Funds collected from the emergency medical services grant program, as provided in  
1410 Section [26-8a-207](#).

1411 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

1412 (10) The Children with Cancer Support Restricted Account created in Section  
1413 [26-21a-304](#).

1414 (11) State funds for matching federal funds in the Children's Health Insurance Program  
1415 as provided in Section [26-40-108](#).

1416 (12) The Children with Heart Disease Support Restricted Account created in Section  
1417 [26-58-102](#).

1418 (13) The Nurse Home Visiting Restricted Account created in Section [26-62-601](#).

1419 (14) The Technology Development Restricted Account created in Section [31A-3-104](#).

1420 (15) The Criminal Background Check Restricted Account created in Section  
1421 [31A-3-105](#).

1422 (16) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except

1423 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

1424 (17) The Title Licensee Enforcement Restricted Account created in Section  
1425 31A-23a-415.

1426 (18) The Health Insurance Actuarial Review Restricted Account created in Section  
1427 31A-30-115.

1428 (19) The Insurance Fraud Investigation Restricted Account created in Section  
1429 31A-31-108.

1430 (20) The Underage Drinking Prevention Media and Education Campaign Restricted  
1431 Account created in Section 32B-2-306.

1432 [~~(21)~~] The School Readiness Restricted Account created in Section 35A-3-210.]

1433 [~~(22)~~] (21) The Youth Development Organization Restricted Account created in  
1434 Section 35A-8-1903.

1435 [~~(23)~~] (22) The Youth Character Organization Restricted Account created in Section  
1436 35A-8-2003.

1437 [~~(24)~~] (23) Money received by the Utah State Office of Rehabilitation for the sale of  
1438 certain products or services, as provided in Section 35A-13-202.

1439 [~~(25)~~] (24) The Oil and Gas Conservation Account created in Section 40-6-14.5.

1440 [~~(26)~~] (25) The Electronic Payment Fee Restricted Account created by Section  
1441 41-1a-121 to the Motor Vehicle Division.

1442 [~~(27)~~] (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted  
1443 Account created by Section 41-3-110 to the State Tax Commission.

1444 [~~(28)~~] (27) The Utah Law Enforcement Memorial Support Restricted Account created  
1445 in Section 53-1-120.

1446 [~~(29)~~] (28) The State Disaster Recovery Restricted Account to the Division of  
1447 Emergency Management, as provided in Section 53-2a-603.

1448 [~~(30)~~] (29) The Department of Public Safety Restricted Account to the Department of  
1449 Public Safety, as provided in Section 53-3-106.

1450 [~~(31)~~] (30) The Utah Highway Patrol Aero Bureau Restricted Account created in  
1451 Section 53-8-303.

1452 [~~(32)~~] (31) The DNA Specimen Restricted Account created in Section 53-10-407.

1453 [~~(33)~~] (32) The Canine Body Armor Restricted Account created in Section 53-16-201.

- 1454            [~~(34)~~] (33) A certain portion of money collected for administrative costs under the  
1455 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).  
1456            [~~(35)~~] (34) The Public Utility Regulatory Restricted Account created in Section  
1457 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).  
1458            [~~(36)~~] (35) Certain fines collected by the Division of Occupational and Professional  
1459 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
1460 enforcement purposes, as provided in Section [58-17b-505](#).  
1461            [~~(37)~~] (36) Certain fines collected by the Division of Occupational and Professional  
1462 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
1463 provided in Section [58-63-103](#).  
1464            [~~(38)~~] (37) The Relative Value Study Restricted Account created in Section [59-9-105](#).  
1465            [~~(39)~~] (38) The Cigarette Tax Restricted Account created in Section [59-14-204](#).  
1466            [~~(40)~~] (39) Funds paid to the Division of Real Estate for the cost of a criminal  
1467 background check for a mortgage loan license, as provided in Section [61-2c-202](#).  
1468            [~~(41)~~] (40) Funds paid to the Division of Real Estate for the cost of a criminal  
1469 background check for principal broker, associate broker, and sales agent licenses, as provided  
1470 in Section [61-2f-204](#).  
1471            [~~(42)~~] (41) Certain funds donated to the Department of Human Services, as provided in  
1472 Section [62A-1-111](#).  
1473            [~~(43)~~] (42) The National Professional Men's Basketball Team Support of Women and  
1474 Children Issues Restricted Account created in Section [62A-1-202](#).  
1475            [~~(44)~~] (43) Certain funds donated to the Division of Child and Family Services, as  
1476 provided in Section [62A-4a-110](#).  
1477            [~~(45)~~] (44) The Choose Life Adoption Support Restricted Account created in Section  
1478 [62A-4a-608](#).  
1479            [~~(46)~~] (45) Funds collected by the Office of Administrative Rules for publishing, as  
1480 provided in Section [63G-3-402](#).  
1481            [~~(47)~~] (46) The Immigration Act Restricted Account created in Section [63G-12-103](#).  
1482            [~~(48)~~] (47) Money received by the military installation development authority, as  
1483 provided in Section [63H-1-504](#).  
1484            [~~(49)~~] (48) The Computer Aided Dispatch Restricted Account created in Section



- 1485 [63H-7a-303](#).
- 1486 ~~[(50)]~~ [\(49\)](#) The Unified Statewide 911 Emergency Service Account created in Section
- 1487 [63H-7a-304](#).
- 1488 ~~[(51)]~~ [\(50\)](#) The Utah Statewide Radio System Restricted Account created in Section
- 1489 [63H-7a-403](#).
- 1490 ~~[(52)]~~ [\(51\)](#) The Employability to Careers Program Restricted Account created in
- 1491 Section [63J-4-703](#).
- 1492 ~~[(53)]~~ [\(52\)](#) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1493 ~~[(54)]~~ [\(53\)](#) Certain money payable for expenses of the Pete Suazo Utah Athletic
- 1494 Commission, as provided under Section [63N-10-301](#).
- 1495 ~~[(55)]~~ [\(54\)](#) Funds collected by the housing of state probationary inmates or state parole
- 1496 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1497 ~~[(56)]~~ [\(55\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,
- 1498 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 1499 ~~[(57)]~~ [\(56\)](#) Certain funds received by the Office of the State Engineer for well drilling
- 1500 fines or bonds, as provided in Section [73-3-25](#).
- 1501 ~~[(58)]~~ [\(57\)](#) The Water Resources Conservation and Development Fund, as provided in
- 1502 Section [73-23-2](#).
- 1503 ~~[(59)]~~ [\(58\)](#) Funds donated or paid to a juvenile court by private sources, as provided in
- 1504 Subsection [78A-6-203\(1\)\(c\)](#).
- 1505 ~~[(60)]~~ [\(59\)](#) Fees for certificate of admission created under Section [78A-9-102](#).
- 1506 ~~[(61)]~~ [\(60\)](#) Funds collected for adoption document access as provided in Sections
- 1507 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).
- 1508 ~~[(62)]~~ [\(61\)](#) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
- 1509 State Park, Jordan River State Park, and Green River State Park, as provided under Section
- 1510 [79-4-403](#).
- 1511 ~~[(63)]~~ [\(62\)](#) Certain funds received by the Division of Parks and Recreation from the
- 1512 sale or disposal of buffalo, as provided under Section [79-4-1001](#).
- 1513 ~~[(64)]~~ [\(63\)](#) Funds collected for indigent defense as provided in Title 77, Chapter 32,
- 1514 Part 8, Utah Indigent Defense Commission.
- 1515 Section 21. Section **63J-1-602.2** is amended to read:

- 1516 **63J-1-602.2. List of nonlapsing appropriations to programs.**  
1517 Appropriations made to the following programs are nonlapsing:  
1518 (1) The Legislature and its committees.  
1519 (2) The Percent-for-Art Program created in Section 9-6-404.  
1520 (3) The LeRay McAllister Critical Land Conservation Program created in Section  
1521 11-38-301.  
1522 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under  
1523 Subsection 17-16-21(2)(d)(ii).  
1524 (5) The Division of Wildlife Resources for the appraisal and purchase of lands under  
1525 the Pelican Management Act, as provided in Section 23-21a-6.  
1526 (6) The primary care grant program created in Section 26-10b-102.  
1527 (7) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
1528 26-18-3(7).  
1529 (8) The Utah Health Care Workforce Financial Assistance Program created in Section  
1530 26-46-102.  
1531 (9) The Rural Physician Loan Repayment Program created in Section 26-46a-103.  
1532 (10) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.  
1533 (11) Funds that the Department of Alcoholic Beverage Control retains in accordance  
1534 with Subsection 32B-2-301(7)(a)(ii) or (b).  
1535 (12) The General Assistance program administered by the Department of Workforce  
1536 Services, as provided in Section 35A-3-401.  
1537 (13) A preschool program described in Title 35A, Chapter 15, Preschool Programs.  
1538 ~~[(13)]~~ (14) A new program or agency that is designated as nonlapsing under Section  
1539 36-24-101.  
1540 ~~[(14)]~~ (15) The Utah National Guard, created in Title 39, Militia and Armories.  
1541 ~~[(15)]~~ (16) The State Tax Commission under Section 41-1a-1201 for the:  
1542 (a) purchase and distribution of license plates and decals; and  
1543 (b) administration and enforcement of motor vehicle registration requirements.  
1544 ~~[(16)]~~ (17) The Search and Rescue Financial Assistance Program, as provided in  
1545 Section 53-2a-1102.  
1546 ~~[(17)]~~ (18) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

1547            [~~(18)~~] (19) The State Board of Regents for teacher preparation programs, as provided  
1548 in Section 53B-6-104.

1549            [~~(19)~~] (20) The Medical Education Program administered by the Medical Education  
1550 Council, as provided in Section 53B-24-202.

1551            [~~(20)~~] (21) The State Board of Education, as provided in Section 53F-2-205.

1552            [~~(21)~~] (22) The Division of Services for People with Disabilities, as provided in  
1553 Section 62A-5-102.

1554            [~~(22)~~] (23) The Division of Fleet Operations for the purpose of upgrading underground  
1555 storage tanks under Section 63A-9-401.

1556            [~~(23)~~] (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

1557            [~~(24)~~] (25) Appropriations to the Department of Technology Services for technology  
1558 innovation as provided under Section 63F-4-202.

1559            [~~(25)~~] (26) The Office of Administrative Rules for publishing, as provided in Section  
1560 63G-3-402.

1561            [~~(26)~~] (27) The Utah Science Technology and Research Initiative created in Section  
1562 63M-2-301.

1563            [~~(27)~~] (28) The Governor's Office of Economic Development to fund the Enterprise  
1564 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

1565            [~~(28)~~] (29) Appropriations to fund the Governor's Office of Economic Development's  
1566 Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
1567 Employment Expansion Program.

1568            [~~(29)~~] (30) The Department of Human Resource Management user training program, as  
1569 provided in Section 67-19-6.

1570            [~~(30)~~] (31) The University of Utah Poison Control Center program, as provided in  
1571 Section 69-2-5.5.

1572            [~~(31)~~] (32) A public safety answering point's emergency telecommunications service  
1573 fund, as provided in Section 69-2-301.

1574            [~~(32)~~] (33) The Traffic Noise Abatement Program created in Section 72-6-112.

1575            [~~(33)~~] (34) The Judicial Council for compensation for special prosecutors, as provided  
1576 in Section 77-10a-19.

1577            [~~(34)~~] (35) A state rehabilitative employment program, as provided in Section

1578 78A-6-210.

1579 [~~35~~] (36) The Utah Geological Survey, as provided in Section 79-3-401.

1580 [~~36~~] (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

1581 [~~37~~] (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144,  
1582 and 78B-6-144.5.

1583 [~~38~~] (39) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent  
1584 Defense Commission.

1585 Section 22. **Repealer.**

1586 This bill repeals:

1587 Section 35A-3-210, **School Readiness Restricted Account -- Creation -- Funding --**  
1588 **Distribution of funds.**

1589 Section 35A-9-401, **Eligibility determination -- Awarding of scholarship.**

1590 Section 53F-4-405, **Purchase of equipment and service through cooperative**  
1591 **purchasing contracts.**

1592 Section 53F-5-301, **Definitions.**

1593 Section 53F-5-302, **Administration of programs.**

1594 Section 53F-5-304, **Home-based technology high quality school readiness program.**

1595 Section 53F-5-305, **Intergenerational Poverty School Readiness Scholarship**  
1596 **Program.**

1597 Section 53F-5-306, **Early childhood teacher training.**

1598 Section 53F-5-307, **Evaluation -- Reporting requirements.**

1599 Section 53F-6-303, **School Readiness Restricted Account.**

1600 Section 53F-6-310, **Reporting requirements for a recipient of funding through a**  
1601 **results-based contract -- Reporting to the Legislature.**

1602 Section 23. **Appropriation.**

1603 The following sums of money are appropriated for the fiscal year beginning July 1,  
1604 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
1605 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
1606 Act, the Legislature appropriates the following sums of money from the funds or accounts  
1607 indicated for the use and support of the government of the state of Utah.

1608 ITEM 1

1609 To Department of Workforce Services -- Operations and Policy

1610 From General Fund \$6,000,000

1611 Schedule of Programs:

1612 School Readiness Board \$6,000,000

1613 The Legislature intends that the School Readiness Board use the ongoing appropriation

1614 for awarding grants and payment of results-based contracts for preschool programs in Title

1615 35A, Chapter 15, Preschool Programs.

1616 ITEM 2

1617 To State Board of Education -- General System Support

1618 From Education Fund \$500,000

1619 Schedule of Programs:

1620 Teaching and Learning \$500,000

1621 The Legislature intends that the State Board of Education use the ongoing appropriation

1622 for conducting the ongoing review and evaluation of a school readiness program in accordance

1623 with Section [35A-15-303](#).

1624 ITEM 3

1625 To State Board of Education -- Initiative Programs

1626 From Education Fund \$5,000,000

1627 Schedule of Programs:

1628 UPSTART \$5,000,000

1629 **Section 24. Coordinating S.B. 166 with S.B. 14 -- Substantive language.**

1630 If this S.B.166 and S.B. 14, Education Reporting Requirements, both pass and become

1631 law, it is the intent of the Legislature that the Office of Legislative Research and General

1632 Counsel prepare the Utah Code database for publication by:

1633 (1) replacing the language in Subsection [35A-15-303\(5\)\(a\)](#) with the following:

1634 "(5) (a) The State Board of Education shall annually prepare a report for the Education

1635 Interim Committee in accordance with Section [53E-1-201](#).";

1636 (2) (a) inserting the following language as a new Subsection [53E-1-201\(1\)\(b\)](#):

1637 "(b) the report described in Section [35A-15-303](#) by the State Board of Education on

1638 preschool programs;"; and

1639 (b) renumbering remaining subsections accordingly; and

1640 (3) (a) inserting the following language as a new Subsection 53E-1-201(2)(a):  
1641 "(a) the report described in Section 35A-15-303 by the School Readiness Board by  
1642 November 30, 2020, on benchmarks for certain preschool programs;"; and

1643 (b) renumbering the remaining subsections accordingly.

1644 Section 25. **Coordinating S.B.166 with H.B. 27 -- Superseding technical and**  
1645 **substantive amendments.**

1646 If this S.B.166 and H.B. 27, Public Education Definitions Amendments, both pass and  
1647 become law, it is the intent of the Legislature when the Office of Legislative Research and  
1648 General Counsel prepares the Utah Code database for publication that:

1649 (1) Section 35A-15-102 in this bill supersede Section 53F-6-301 in H.B. 27;

1650 (2) Section 35A-15-202 in this bill supersede Section 53F-6-304 in H.B. 27;

1651 (3) Section 35A-15-301 in this bill supersede Section 53F-6-305 in H.B. 27;

1652 (4) Section 35A-15-302 in this bill supersede Section 53F-5-303 in H.B. 27;

1653 (5) Section 35A-15-401 in this bill supersede Section 53F-6-306 in H.B. 27; and

1654 (6) Section 35A-15-402 in this bill supersede Section 53F-6-309 in H.B. 27.